IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4425 OF 2004

Mehboob Noormohamed Shaikh ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Indrajeet Joshi i/by Ganesh Gole for Applicant.
Shri V.B. Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 25.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The present application is filed for a limited purpose of releasing the applicant on bail for a period of four weeks so as to enable the applicant to attend his ailing mother, who has been advised angiography and further cardiac treatment of angioplasty or bypass if required. The learned APP sought time on the previous occasion on the ground that the investigating officer will like to verify the position. Today when the matter is called out, the learned APP states on instructions of Mr. N.S.

Ghadge, Police Constable, who is personally present in the court that verification has been made and it is found that the applicant's mother is unwell and is presently at her residence and not in hospital. No reply has been filed controverting assertions made in the application or in the medical opinion of the doctors produced by the applicant on the record. If it is so, merely because the applicant's mother is not in hospital but at her residence, does not mean that the apprehension expressed by the applicant is ill-founded. Accordingly, I am inclined to acceed to the request of the applicant for his release on bail for a limited period of four weeks as prayed so as to enable the applicant to attend to his ailing mother so as to undergo angiography, as advised by the doctor and further treatment, if required. Hence, following order :

> The Applicant is enlarged on bail in connection with C.R.No. 20/2003, registered with Murgud Police Station, Kolhapur on executing personal bond in the sum of Rs. 15,000/- (Rs. Fifteen thousand only) with one or two local sureties in the like amount, for

a period of four weeks from the date of his release.

The Applicant shall report to the concerned police station on alternate day between 6 p.m. to 7 p.m..

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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